

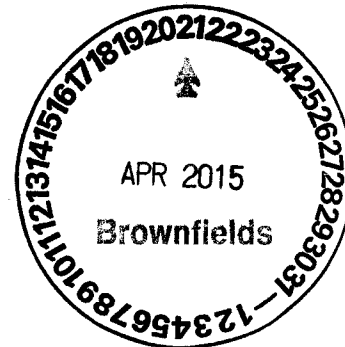
Making Hope Reality

1939 **CHA** 2014
Charlotte Housing Authority

April 1, 2015

Mr. David Peacock
NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: Annual Land Use Restrictions Update
Alpha Mills, #07009-03-60



Dear Mr. Peacock:

The Housing Authority of the City of Charlotte is submitting the attached Land Use Restrictions Update ("LURU") pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Mecklenburg County Register of Deeds.


Moreover, included with this submission is a Ground lease addendum by and between the Housing Authority of the City of Charlotte and 940 Brevard, LLC which incorporates the requirements of NCGS Section 130A-310.35(d), to state that the Land has been classified as a Brownfields Property and is subject to that certain Notice of Brownfields Property recorded in Book 19004, Page 549, Mecklenburg County Registry.

A Phase I Environmental Site Assessment conducted June 30, 2006 by Froehling & Roberson, Inc. is also attached. The Phase I Environmental was conducted prior to soil disturbance at the 940 Brevard portion of the Brownfield site and concluded no recognized environmental conditions (RECs) or historical recognized environmental conditions (HRECs) at the site.

This LURU certification and supplemental attachments are intended to cover all prior years of the Housing Authority's ownership as being in compliance with the recorded agreement during those years a LURU was not submitted.

If you have any questions, please contact Timica Melvin at (704) 336-8415 or tmelvin@cha-nc.org.

Sincerely,


A. Fulton Meachem, Jr.
Chief Executive Officer

Chief Executive Officer, A. Fulton Meachem, Jr. 400 East Blvd. Charlotte, NC 28203

WWW.CHA-NC.ORG

Fax: 704.336.5202

Tel: 704.336.5183

TDD: 704.336.5262

Brownfields Project #: 07009-03-60

Brownfields Property: 940 Brevard Street

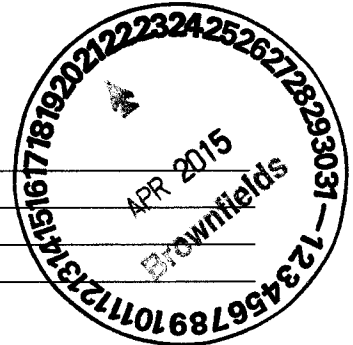
Property Owner (In whole or part): Housing Authority of the City of Charlotte, N.C.

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No surface water or groundwater at the Brownfields Property may be used for any purpose without the approval of the Department of Environment and Natural Resources ("DENR") or its successor in function.

In compliance X Out of compliance

Remarks: _____



LUR 2: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that extend to groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields Property without prior sampling and analysis of groundwater to the satisfaction of DENR or its successor in function in any areas proposed for such activities, and submittal of the analytical results to DENR or its successor in function. If such results disclose to DENR or its successor in function contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR or its successor in function on such conditions as DENR or its successor in function imposes, including at a minimum compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities.

In compliance X Out of compliance

Remarks: _____

LUR 3: Soil underlying paved surfaces and buildings at the Brownfields Property may not be exposed without the performance of any prior sampling that DENR or its successor in function requires, and submittal of the analytical results of any such sampling to DENR or its successor in function. If the results of any such sampling disclose contamination in excess of the applicable standards as determined by DENR or its successor in function, the soil may not be exposed without the approval of DENR or

its successor in function on such conditions as DENR or its successor in function imposes, including at a minimum compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the activities that would expose such soil.

In compliance ☒ Out of compliance ☐

Remarks: 940 Brevard Apartments were constructed and soil was disturbed after the Notice of Brownfields Property was filed on July 8, 2005 by Alpha Mill, LLC for property which includes a portion of the 940 Brevard site. A phase I report for the 940 Brevard site issued on June 30, 2006 found that there were no recognized environmental conditions on the site.

LUR 4: Soil underlying landscaping materials at the Brownfields Property, including but not limited to plants, flowers, trees, shrubs or any other above-ground vegetation, may not be disturbed, nor may landscaping materials be planted, without the prior addition of two (2) feet of clean fill or other material acceptable to DENR or its successor in function. If the desired grade would not allow said addition, as much soil as is necessary to allow said addition may be removed and disposed of in accordance with law. Incidental disturbance of soil in the subject areas, in connection with maintenance of landscaping materials, shall not constitute a violation of this land use restriction.

In compliance ☒ Out of compliance ☐

Remarks: 940 Brevard Apartments were constructed and soil was disturbed after the Notice of Brownfields Property was filed on July 8, 2005 by Alpha Mill, LLC for property which includes a portion of the 940 Brevard site. A phase I report for the 940 Brevard site issued on June 30, 2006 found that there were no recognized environmental conditions on the site.

LUR 5: No mining may be conducted on or under the Brownfields Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance ☒ Out of compliance ☐

Remarks: _____

LUR 6: No basements may be constructed on the Brownfields Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance X Out of compliance

Remarks: 940 Brevard Apartments were constructed and soil was disturbed after the Notice of Brownfields Property was filed on July 8, 2005 by Alpha Mill, LLC for property which includes a portion of the 940 Brevard site. A phase I report for the 940 Brevard site issued on June 30, 2006 found that there were no recognized environmental conditions on the site. No new basements have been constructed on the 940 site since the original construction. The bottom floor of the existing 940 Brevard Apartments building was built at grade with portions of that floor below grade.

LUR 7: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 7 of the Brownfields Agreement ("Agreement"), may be used or stored at the Brownfields Property without the prior approval of DENR or its successor in function, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance X Out of compliance

Remarks: _____

LUR 8: During January of each year following the year in which the Notice of Brownfields Property ("Notice") is recorded, the then owner of the affected portion of the Brownfields Property shall sample monitoring wells MW-1s, MW-2s, MW-7i and a point near sample location SUR-4, all as shown on Exhibit 4 of the Agreement. Said owner shall effect analysis of the samples for volatile organic compounds, total chromium, hexavalent chromium and copper, and shall report the results to DENR each year as part of the update required by Land Use Restriction 9 below. After the third year of sampling, the then owner of the Brownfields Property may seek DENR's written authorization to discontinue sampling or change its frequency.

In compliance Out of compliance Not applicable X

Remarks: The monitoring wells noted above are not located on the property owned by the Housing Authority.

LUR 9: During January of each year following the year in which the Notice is recorded, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR or its successor in function certifying that the Notice containing these Land Use Restrictions remains recorded at the Mecklenburg County register of deeds office, and that the Land Use Restrictions are being complied with.

In compliance X Out of compliance Not applicable

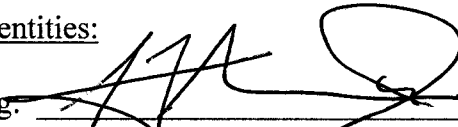
Remarks: Per discussion with DENR, this LUR update covers the submission required for 2015 and all prior years of the Charlotte Housing Authority's ownership for which LUR Updates were not submitted.

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by the Housing Authority of the City of Charlotte, N.C., owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: A. Fulton Meachem, Jr.

In the case of owners that are entities:

Signature of individual signing: 

Name typed or printed:

A. Fulton Meachem, Jr.

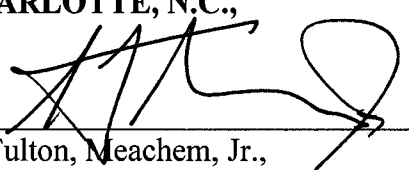
Title:

Chief Executive Officer

In the case of all owners: N/A

Date: 4/14/2015

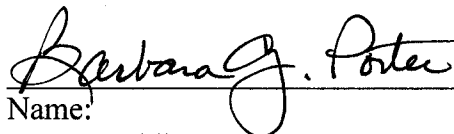
HOUSING AUTHORITY OF THE CITY OF
CHARLOTTE, N.C.,

By: 
A. Fulton, Meachem, Jr.,
Chief Executive Officer

NORTH CAROLINA
MECKLENBURG COUNTY

I, Barbara G. Porter, a Notary Public of the county and state aforesaid, certify that A. Fulton, Meachem, Jr. personally came before me this day and acknowledged that he/she is the Secretary and Chief Executive Officer of the Housing Authority of the City of Charlotte, N.C. a North Carolina public body and body corporate and politic, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name.

WITNESS my hand and official stamp or seal, this 15th day of
April, 2015


Name:

Notary Public

My Commission expires: 2/04/2020

